

**FULL COUNCIL MEETING MINUTES**  
**January 23, 2017 - 1:30 PM**  
**STATE COUNCIL FOR PERSONS WITH DISABILITIES**  
***Edgehill Training Room/DPH, Dover***

**PRESENT**

Jamie Wolfe, Chair; Anthony Carter, JEVs; Susan Burns, DSCYF/DPBHS; Brian Hartman, DLP/CLASI; Bonnie Hitch, DART; Jocelyn Langrehr, DOL; Karen McGloughlin, DHSS/DPH; William Payne, AAPD; Loretta Sarro, DOL/DVR DODHH (via phone); Lloyd Schmitz, Council of the Blind; Sybil White/Anita Saamoi, GACEC (for Wendy Strauss); Todd Webb, DelDOT-ADA; John McNeal, Staff; Amber Rivard, Support Staff and Jo Singles, Support Staff.

**GUESTS**

Victoria Counihan, DOJ/AG  
Michelle Morin, Office of Supplier Diversity  
Terry Pepper – DSHS

**CALL TO ORDER**

Jamie called the meeting to order at 1:37 pm. Everyone introduced themselves.

**ADDITION OR DELETIONS TO THE AGENDA**

Addition: Openings to the Pedestrian Council. A motion was made by Lloyd to approve the Agenda, which was seconded by Brian, and approved, with no one opposing or abstaining.

Delete Nick's name off the Custie Award.

**APPROVAL OF MINUTES**

The minutes will be revised as follows: pg. 5: John DiMondi should be William DiMondi. A motion was made by Lloyd, seconded by Karen, and approved to accept the September 19, 2016 minutes as amended, with no one opposing or abstaining.

**BUSINESS**

**Introduction of John McNeal, Administrator for SCPD**

Jamie introduced John as the new Director of SCPD. John spoke about his more than 20 years on the Council. He spoke about the goals of the Council, including inclusiveness, self-direction and independence in the community. John stated he will need the guidance and direction of Council members. He added that the difficulty will be following in Kyle's footsteps. John noted that the job comes with a dual title, SCPD Administrator and State ADA Coordinator. He hopes to meet with the Executive Committee and Chairs of the other Committees to discuss a path forward. Everyone applauded.

### **§5501 Definitions (as it applies to DVI)**

Lloyd referenced a handout--§5501 Definitions (Delaware Code). He stated that it specifies that blind vendors and employees in the Business Enterprise Program (BEP) under the Division for the Visually Impaired (DVI) participate in State payroll. The reason they were put into the State payroll was for pension purposes. The State does not pay toward payroll and fringe benefits; the money comes from operations of the BEP. He understands that DVI has implemented a policy change eliminating these employees from the payroll and has petitioned this policy change through RSA (Rehabilitation Services Administration) in Washington, DC. Lloyd has an issue that this was done without public involvement and without a change in the Delaware Code. He asked that the Council take action on this issue. He also suggested that the Public Integrity Commission or the State Auditor's Office could be contacted. Lloyd expressed his concern that this is setting precedence and is not sue if the employees are aware of these changes.

Brian suggested that DHSS JFC Budget Hearings will be held next week and would be an opportunity to raise the issue. Brian asked if others would express their concerns at the JFC Hearings (to be held February 7-8 (DHSS)). Lloyd commented that he has brought the issue before the Council on the Blind, DVI and has sent several emails. He has not received a response from DVI. Brian also suggested that DVI could present to SCPD. After additional discussion, a motion was made by Anthony and seconded by Lloyd that John will send an email to Elisha Jenkins/DVI with a general inquiry. Based upon the outcome of her response, be present at JFC on February 7.

Another motion was made by Lloyd and seconded by Susan to ask DVI to present to the next SCPD meeting in February, including program and regulatory changes, impacts to the employees of the BEP. No one abstained or opposed the motion. Motion was approved.

### **HCBS Workgroup Progress**

Jamie provided an update of the HCBS Workgroup. She stated that the group has expanded its membership and there has been a lot of interest from others with similar issues. One area of concern is emergency back-up attendants. She spoke about an online platform called MySupport, which connects those with support needs with workers who share their values and match their personality so that people with disabilities, senior citizens and others who need services have the right to choice and control over their own lives. DSAAPD is planning to sponsor a pilot project with MySupport.com possibly starting in July. Jamie has contacted Lisa Bond for a status update and is waiting for her response. The cost for the program is \$30 per person/per month. If the pilot is successfully and expanded, it may be cost prohibitive.

Anthony asked if there was a clearly defined list of issues that the workgroup is addressing. Jamie suggested that maybe the February 9<sup>th</sup> meeting could be a brainstorming session so concrete bullet points can be developed. Jamie explained that the emergency back-up support and nurse delegation issues prompted the formation of the workgroup. She provided examples of CNAs not allowed to change bandages, give medications, and assist with catheter supplies. Anthony asked if there is a designated format for people to participate in the workgroup. He suggested that there be more structure and formalities defined in the workgroup.

Brian made a motion to write Lisa Bond a letter from SCPD that DSAAPD is considering doing a pilot program and encourage them to implement a pilot program and say that it is one of the top ten priorities of the Council. Karen seconded the motion. No one opposed or abstained. Motion carried.

### **Meeting with Sheila Grant, Advocacy Director/AARP**

Jamie spoke about a meeting with Sheila Grant, Advocacy Director-AARP, Brian, Pat and Laura Waterland. AARP also has concerns with nurse delegation. Nurse delegation gives CNAs the opportunity to do certain activities by a nurse giving them this authority, but the law is not being followed by home health agencies. The law states that the individual receiving services has to be competent (under the Nurse Practice Act). We want expand this to include a guardian.

Brian spoke about the complexities of issues with Personal Assistance Agencies, Home Health Agencies, and Personal Attendant Services (through DSAAPD). They all have different enabling legislation and different sets of regulations. Expanding the statute to include a guardian would rectify one piece of this, but there are many other issues.

There are liability issues and disincentives because the agencies can charge more for a nurse to come out than a CNA. Also, the agencies have to deal with a set of broader regulations that may not work completely with what the law states. Brian spoke about unintended consequences and expanding the delegation authority could result in reduction of private duty nursing services by MCOs (Managed Care Organizations) and gave several examples.

Jamie stated that she has invited Sheila Grant to attend an SCPD meeting to have a mutual discussion on these issues. Jamie said that she has concern that may be a piece meal effect rather than combining it so all needs are taken care of. Jamie spoke of her recent personal experience with a home health agency. She added that we need to define the different types of services. Lloyd asked about what other states are doing and best practices. Jamie stated that Daniese would have knowledge about this and Sheila is researching other states. Brian commented that there can be discrete changes made. He spoke about the Attendant Services statute was changed two years ago, a provision was added that the Department (DHSS) can have incentives for agencies to fully implement that section of the nursing law that says people can delegate. It can be insurance or practice issue.

Brian recommended that SCPD send a letter encouraging DHSS to implement incentives or disincentives to home health agencies and provided several examples. Jamie explained that this is currently done in the Personal Attendant Services under DSAAPD. Karen spoke about systems and system changes that are needed to increase the number of people to enter this professional in these types of jobs. John spoke about the flexibility in the Personal Attendant Services Program, which includes self-direction. He also commented about different levels of care from different agencies and the need for some standardization. Some home health agencies are inconsistent in what they allow certain staff to do although a care plan has been created. Karen asked if the Council was looking for standardization. Jamie explained that is what the HCBS workgroup will be addressing. Once a time has been established for Sheila to attend an SCPD meeting, Jamie will let John, Jo and Amber know. Michelle spoke about agencies having the appropriate credentialed staff under specific job titles. Jamie clarified that we want to keep Personal Attendant Services as is. Home health and medically-based services need to be expanded. She explained that under Personal Attendant Services, the individual hiring an attendant sets the criteria, based on their needs. Anthony added that we are touching on management decision at home health agencies, and not so much a question of credentialing and licensure. We want to have a conversation with management about internal decisions to not let staff do activities that they care due to fiscal and liability issues.

Jamie suggested that we could have the Director of Professional Regulations and a representative from Division of Public Health who handles certification for home health aides and CNAs attend a meeting to obtain some clarification and discuss concerns. She suggested that also a letter could be sent to them

addressing this issue and inviting them to a meeting. Michelle spoke about the importance of people having appropriate credentials. This will be discussed further after the AARP meeting.

### **Accessible Parking**

Jamie stated that she and Pat had recently spoken to Representative Viola and he is willing to reintroduce the Accessible Parking legislation with recommended revisions. Representatives Baumbach, Hensley and Hudson are also willing to support this legislation if they approve. Representative Viola stressed the need for people to complain to their legislators, so if someone sees someone illegally parked in accessible parking to complain to their legislators. Jamie asked that this message be shared. Karen asked what happened last year with the legislation. Jamie stated that the Chambers of Commerce emailed all legislators opposing the legislation saying that it will have a negative impact on business. Brian stated that the original bill went a little beyond ADA, with penalties, etc. After pushback from Chambers of Commerce and County governments, a substitute bill was introduced that did not go beyond the ADA. The main focus was to have a simple permit process in place that would be inspected by the local government. After making many concessions, the opposition stood. The substitute bill will be reintroduced. John commented that the Department of Justice left the government entities off the hook with providing oversight to them and gave an example. Susan commented that how will people who come upon an accessible parking problem, how they would know to contact their legislators when this happens. Jamie commented that it is our responsibility to get the word out. John spoke about the challenge of informing people on how to handle these situations.

Michelle spoke about addressing the buying power of community; this would tell them about missed opportunities and retaining relationship customers; also have data that back this up. John added that this also provides protection to businesses.

### **Custie Award**

Jamie spoke briefly about the Custie award, including background information. Nominations are received in the summer. The award is presented at the SCPD Luncheon in October. The nomination process will be discussed further when Nick Fina can attend a future meeting.

### **Openings to the Pedestrian Walkability & Safety Council**

Lloyd spoke about openings on this Council. Jamie had replaced Kyle. There was discussion about John representing the Council as the new Director. There are also three possible openings for self-advocates or individuals with disabilities; the actual number will be verified and brought up at the February SCPD meeting. Jamie and John will decide how they want to serve on this Council.

### **OTHER BUSINESS**

Loretta asked about the final approval of the SCPD By-Laws. Victoria stated that the By-Laws had been reviewed and approved six months ago. She suggested that the By-Laws be emailed to the SCPD. Jo will email the revised By-Laws.

Jamie spoke briefly about the letter sent recently to the Patricia Key, Harrington Raceway & Casino regarding lack of accessible overflow parking during the Delaware State Fair last July (handout). Patricia Key contacted her and stated that this is a Delaware State Fairgrounds issue. There will be a meeting scheduled with a representative from the Delaware State Fairgrounds. Jamie will keep everyone informed. She added that they could be added to a future meeting so they can provide explanation. John has some information that he can share on the expectation on overflow parking, but that what they are doing in this regard is inadequate.

## **ANNOUNCEMENTS**

Jamie stated that the deadline for applying for the Junior Partners Program has been extended to February 28<sup>th</sup>. She has applications available today if anyone wants to share them. She spoke briefly about the program. Applicants will be notified in mid-March if they have been accepted. There will be a "Meet & Greet" towards the end of March for participants, parents and staff. The flyer will be sent out again for Council members to share.

## **PUBLIC COMMENT**

None

## **ADJOURNMENT**

Anthony made a motion to adjourn. This was seconded by Brian and approved. The meeting adjourned at 3:37 pm.

Respectfully submitted,

Jo Singles  
Administrative Specialist

SCPD/min/jan17